



General Assembly

February Session, 2008

Bill No. 42

LCO No. 745

00745_____

Referred to Committee on Transportation

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING THE STATE TRAFFIC COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-298 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2008*):

3 (a) There shall be within the Department of Transportation a State
4 Traffic Commission. Said Traffic Commission shall consist of the
5 Commissioner of Transportation, the Commissioner of Public Safety
6 and the Commissioner of Motor Vehicles, and with respect to decisions
7 of the commission directly affecting traffic, highways or bridges in a
8 municipality, one ad hoc member appointed by the local traffic
9 authority of the municipality. In the event that a decision directly
10 affects traffic, highways or bridges in more than one municipality, the
11 local traffic authorities of the affected municipalities may jointly
12 appoint one of said local traffic authorities to be an ad hoc member of
13 the commission for purposes of that decision. Ad hoc members shall
14 only participate in decisions directly affecting the municipality they
15 represent. For purposes of this subsection, "directly affects" means the

16 action to be approved by the commission is located in the municipality
 17 or is within five hundred feet of any part of the municipality. The
 18 commission shall also adopt regulations, in accordance with the
 19 provisions of chapter 54, to establish a procedure to be utilized by
 20 municipalities in designating such ad hoc commission members.

21 (b) For the purpose of standardization and uniformity, said
 22 commission, in accordance with the provisions of chapter 54, shall
 23 adopt and cause to be printed for publication regulations establishing
 24 a uniform system of traffic control signals, devices, signs and markings
 25 consistent with the provisions of this chapter for use upon the public
 26 highways. [The commissioner shall make known to the General
 27 Assembly the availability of such regulations and any requesting
 28 member shall be sent a written copy or electronic storage media of
 29 such regulations by the commissioner.] Taking into consideration the
 30 public safety and convenience with respect to the width and character
 31 of the highways and roads affected, the density of traffic thereon and
 32 the character of such traffic, said commission shall also adopt
 33 regulations [, in cooperation and agreement with local traffic
 34 authorities,] governing the use of state highways and roads on state-
 35 owned properties, and the operation of vehicles including, but not
 36 limited to, motor vehicles, as defined by section 14-1 of the 2008
 37 supplement to the general statutes, and bicycles, as defined by section
 38 14-286, thereon. A list of limited-access highways shall be published
 39 with such regulations and said list shall be revised and published once
 40 each year. The commissioner shall make known to the General
 41 Assembly the availability of such regulations and list and any
 42 requesting member shall be sent a written copy or electronic storage
 43 media of such regulations and list by the commissioner. A list of
 44 limited-access highways opened to traffic by the Commissioner of
 45 Transportation in the interim period between publications shall be
 46 maintained in the office of the State Traffic Commission and such
 47 regulations shall apply to the use of such listed highways.

48 (c) Said commission shall also make regulations, in cooperation and

49 agreement with local traffic authorities, respecting the use by through
50 truck traffic of streets and highways within the limits of, and under the
51 jurisdiction of, any city, town or borough of this state for the protection
52 and safety of the public. The local traffic authority of the municipality
53 shall be consulted prior to the drafting of any such regulations and
54 shall have the right to comment upon any draft of such regulations
55 prior to adoption.

56 (d) If said commission determines that the prohibition of through
57 truck traffic on any street or highway is necessary because of an
58 immediate and imminent threat to the public health and safety and the
59 local traffic authority is precluded for any reason from acting on such
60 prohibition, the commission, if it is not otherwise precluded from so
61 acting, may impose such prohibition.

62 (e) Said commission may place and maintain traffic control signals,
63 signs, markings and other safety devices, which it deems to be in the
64 interests of public safety, upon such highways as come within the
65 jurisdiction of said commission as set forth in section 14-297.

66 (f) The traffic authority of any city, town or borough may place and
67 maintain traffic control signals, signs, markings and other safety
68 devices upon the highways under its jurisdiction, and all such signals,
69 devices, signs and markings shall conform to the regulations
70 established by said commission in accordance with this chapter, and
71 such traffic authority shall, with respect to traffic control signals,
72 conform to the provisions of section 14-299, as amended by this act.

73 Sec. 2. Section 14-299 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective July 1, 2008*):

75 (a) (1) For the purpose of standardization and uniformity, no
76 installation of any traffic control signal light that is more than one
77 thousand feet from a state highway intersection shall be made by any
78 town, city or borough [until the same has been approved by the State
79 Traffic Commission. Such approval shall be based on necessity for,

80 location of and type of such signal light and shall be applied for] on
 81 any roadway under its jurisdiction unless such installation conforms
 82 with regulations adopted by the commission pursuant to section 14-
 83 298, as amended by this act, provided the traffic authority of such
 84 town, city or borough shall notify the State Traffic Commission of such
 85 installation at least sixty days prior to ordering or acquiring such
 86 signal light. Such notification shall be on a form supplied by the State
 87 Traffic Commission and shall [be submitted to said commission by the
 88 traffic authority having jurisdiction. Approval of any such signal light
 89 may be revoked by said commission] specify the location and type of
 90 such signal light and the necessity of installing such light. The State
 91 Traffic Commission may order that such installation be cancelled or
 92 that such signal light be removed at any time if it deems such
 93 [revocation] cancellation or removal to be in the interest of public
 94 safety, and thereupon such signal lights shall not be installed or shall
 95 be removed by the traffic authority having jurisdiction.

96 (2) For the purpose of standardization and uniformity, no
 97 installation of a traffic control signal light shall be made by any town,
 98 city or borough on any roadway under its jurisdiction that is within
 99 one thousand feet of a state highway intersection unless (A) such
 100 installation conforms with the regulations adopted by the commission
 101 pursuant to section 14-298, as amended by this act, and (B) such
 102 installation has been approved by the State Traffic Commission. Such
 103 approval shall be based on necessity for, location of and type of such
 104 signal light. Approval of any such signal light may be revoked by said
 105 commission at any time if it deems such revocation to be in the interest
 106 of public safety, and thereupon such signal lights shall not be installed
 107 or shall be removed by the traffic authority having jurisdiction. Said
 108 request for approval shall be submitted on a form provided by the
 109 State Traffic Commission.

110 (b) When traffic at an intersection is alternately directed to proceed
 111 and to stop by the use of signals exhibiting colored lights or lighted
 112 arrows, successively one at a time or in combination, only the colors

113 green, red and yellow shall be used, except for special pedestrian
114 control signals carrying word legends, said lights shall apply to drivers
115 of vehicles and pedestrians and shall indicate the following:

116 (1) Circular green alone: Vehicular traffic facing a green signal may
117 proceed straight through or turn right or left unless a sign or marking
118 at such place prohibits either such turn or straight through movement,
119 except that such traffic shall yield the right-of-way to pedestrians and
120 vehicles lawfully within a crosswalk or the intersection at the time
121 such signal was exhibited; pedestrians facing the green signal, except
122 when directed by separate pedestrian-control signals, may proceed
123 across the highway within any marked or unmarked crosswalk.

124 (2) Yellow: Vehicular traffic facing a steady yellow signal is thereby
125 warned that the related green movement is being terminated or that a
126 red indication will be exhibited immediately thereafter, when
127 vehicular traffic shall stop before entering the intersection unless so
128 close to the intersection that a stop cannot be made in safety;
129 pedestrians facing a steady yellow signal, except when directed by
130 separate pedestrian-control signals, are thereby advised that there is
131 insufficient time to cross the roadway before a red indication is shown
132 and no pedestrian shall then start to cross the roadway.

133 (3) Red alone: Vehicular traffic facing a steady red signal alone shall
134 stop before entering the crosswalk on the near side of the intersection
135 or, if none, then before entering the intersection and remain standing
136 until the next indication is shown; provided, on or after July 1, 1979,
137 vehicular traffic traveling in the travel lane nearest the right hand curb
138 or other defined edge of the roadway, unless a sign has been erected in
139 the appropriate place prohibiting this movement, may cautiously enter
140 the intersection to make a right turn onto a two-way street or onto
141 another one-way street on which all the traffic is moving to such
142 vehicle's right after such vehicle has stopped as required in this
143 subdivision and yielded the right-of-way to pedestrians lawfully
144 within an adjacent crosswalk and to other traffic lawfully using the

145 intersection. Pedestrians facing a steady red signal alone, except when
146 directed by separate pedestrian-control signals, shall not enter the
147 roadway. [The Commissioner of Transportation, in the case of state
148 highways and the traffic authority, as defined in section 14-297, in the
149 case of highways maintained by towns, cities or boroughs, shall review
150 all traffic control signalized intersections on highways within their
151 respective jurisdictions to determine those intersections where signs
152 should be erected to prohibit right turns on a steady red signal as
153 hereinbefore described and cause to have erected such signs by June
154 30, 1979. For purposes of uniformity, each municipality shall report the
155 results of its reviews to the State Traffic Commission and shall not
156 erect or cause to be erected signs prohibiting right turns on a steady
157 red signal until such signs have been approved by the State Traffic
158 Commission.]

159 (4) Green arrow: Vehicular traffic facing a green arrow signal,
160 shown alone or in combination with another indication, may
161 cautiously enter the intersection only to make the movement indicated
162 by such arrow, or such other movement as is permitted by other
163 indications shown at the same time, but such vehicular traffic shall
164 yield the right-of-way to pedestrians lawfully within a crosswalk and
165 to other traffic lawfully within the intersection.

166 (5) Whenever special pedestrian-control signals exhibiting the
167 words "Walk" or "Don't Walk" are in place such signals shall indicate
168 as follows: "Walk": Pedestrians facing such signals may proceed across
169 the roadway in the direction of the signal and shall be given the right-
170 of-way by the drivers of all vehicles; "Don't Walk": No pedestrian shall
171 start to cross the roadway in the direction of such signal, but any
172 pedestrian who has partially completed his crossing on the walk signal
173 shall proceed to a sidewalk or safety island while the "Don't Walk"
174 signal is showing.

175 (c) When an illuminated flashing red or yellow signal is used in a
176 traffic sign or signal, it shall require obedience by vehicular traffic as

177 follows:

178 (1) Flashing red: When a red lens is illuminated by rapid
179 intermittent flashes, drivers of vehicles shall stop before entering the
180 nearest crosswalk at an intersection, or at a limit line when marked or,
181 if none, then before entering the intersection, and the right to proceed
182 shall be subject to the rules applicable after making a stop at a stop
183 sign.

184 (2) When a yellow lens is illuminated with rapid intermittent
185 flashes, drivers of vehicles facing such signal may proceed through the
186 intersection or past such signal only with caution.

187 (d) Lenses of the following colors only shall be used and shall be
188 arranged vertically in the signal face or, when necessary, horizontally,
189 and shall conform to the following positions: When arranged
190 vertically, red shall be located at the top, yellow shall be located
191 directly below red and the remaining indications below the yellow in
192 the following order: Flashing yellow, circular green, vertical arrow,
193 left-turn arrow and right-turn arrow, as needed; when arranged
194 horizontally, red shall be located at the left, yellow shall be located
195 directly to the right of red and the remaining indications to the right of
196 yellow in the following order: Flashing yellow, left-turn arrow, circular
197 green, vertical arrow and right-turn arrow, as needed.

198 (e) When lane-direction-control signals are placed over the
199 individual lanes of a street or highway, vehicular traffic may travel in
200 any lane over which a green arrow signal is shown, but shall not enter
201 or travel in any lane over which a red X signal is shown.

202 (f) If a traffic control signal [, approved by the State Traffic
203 Commission,] is erected and maintained at a place other than an
204 intersection, the provisions of this section shall be applicable except as
205 to those provisions which by their nature can have no application. Any
206 stop required shall be made at a sign or marking on the pavement
207 indicating where the stop shall be made, but in the absence of any sign

208 or marking the stop shall be made at the signal.

209 Sec. 3. Section 14-311 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective July 1, 2008*):

211 (a) No person, firm, corporation, state agency, or municipal agency
212 or combination thereof shall build, expand, establish or operate any
213 open air theater, shopping center or other development generating
214 large volumes of traffic, having an exit or entrance on, or abutting or
215 adjoining, any state highway or substantially affecting state highway
216 traffic within this state until such person or agency has procured from
217 the State Traffic Commission a certificate that the operation thereof
218 will not imperil the safety of the public.

219 (b) No local building official shall issue a building or foundation
220 permit to any person, firm, corporation, state agency or municipal
221 agency to build, expand, establish or operate such a development until
222 the person, firm, corporation or agency provides to such official a copy
223 of the certificate issued under this section by the commission. If the
224 commission determines that any person, firm, corporation, or state or
225 municipal agency has (1) started building, expanding, establishing or
226 operating such a development without first obtaining a certificate from
227 the commission, or (2) has failed to comply with the conditions of such
228 a certificate, it shall order the person, firm, corporation or agency to
229 (A) cease constructing, expanding, establishing or operating the
230 development, or (B) comply with the conditions of the certificate
231 within a reasonable period of time. If such person, firm, corporation or
232 agency fails to (i) cease such work, or (ii) comply with an order of the
233 commission within such time as specified by the commission, the
234 commission may make an application to the superior court for the
235 judicial district of Hartford or the judicial district where the
236 development is located enjoining the construction, expansion,
237 establishment or operation of such development.

238 (c) The State Traffic Commission shall issue its decision on an
239 application for a certificate under subsection (a) of this section not later

240 than one hundred twenty days after it is filed, [except that, if] provided
241 the local traffic authority of the municipality shall be consulted prior to
242 the drafting of any such decision and shall have the right to comment
243 upon all drafts of such decision prior to adoption. If the commission
244 needs additional information from the applicant, it shall notify the
245 applicant in writing as to what information is required and (1) the
246 commission may toll the running of such one-hundred-twenty-day
247 period by the number of days between and including the date such
248 notice is received by the applicant and the date the additional
249 information is received by the commission, and (2) if the commission
250 receives the additional information during the last ten days of the one-
251 hundred-twenty-day period and needs additional time to review and
252 analyze such information, it may extend such period by not more than
253 fifteen days. The State Traffic Commission may also, at its discretion,
254 postpone action on any application submitted pursuant to this section
255 or section 14-311a until such time as it is shown that an application has
256 been filed with and approved by the municipal planning and zoning
257 agency or other responsible municipal agency.

258 (d) In determining the advisability of such certification, the State
259 Traffic Commission shall include, in its consideration, highway safety,
260 the width and character of the highways affected, the density of traffic
261 thereon, the character of such traffic and the opinion and findings of
262 the traffic authority of the municipality wherein the development is
263 located. If the State Traffic Commission determines that traffic signals,
264 pavement markings, channelization, pavement widening or other
265 changes or traffic control devices are required to handle traffic safely
266 and efficiently, one hundred per cent of the cost thereof shall be borne
267 by the person building, establishing or operating such open air theater,
268 shopping center or other development generating large volumes of
269 traffic, except that such cost shall not be borne by any municipal
270 agency. The Commissioner of Transportation may issue a permit to
271 said person to construct or install the changes required by the State
272 Traffic Commission.

273 (e) Any person aggrieved by any decision of the State Traffic
 274 Commission hereunder may appeal therefrom in accordance with the
 275 provisions of section 4-183, except venue for such appeal shall be in the
 276 judicial district in which it is proposed to operate such establishment.
 277 The provisions of this section except insofar as such provisions relate
 278 to expansion shall not apply to any open air theater, shopping center
 279 or other development generating large volumes of traffic in operation
 280 on July 1, 1967.

281 Sec. 4. Section 14-311b of the general statutes is repealed and the
 282 following is substituted in lieu thereof (*Effective July 1, 2008*):

283 The State Traffic Commission, in cooperation and agreement with
 284 local traffic authorities, may, in any parking area for twenty or more
 285 vehicles or for any commercial establishment having an exit or
 286 entrance on or abutting or adjoining any state highway, establish
 287 traffic controls by signal, [or] device, channelization or pavement
 288 widening, for access to and egress from and for traffic within such
 289 parking area or commercial establishment. The traffic authority of any
 290 city, town or borough may establish similar controls for parking areas
 291 for twenty or more vehicles or for any commercial establishment
 292 having an exit or entrance on or abutting or adjoining any highway
 293 under their jurisdiction. The owner or operator of any parking area or
 294 commercial establishment where such traffic controls have been
 295 established, pursuant to this section, shall erect and maintain the
 296 necessary uniform traffic control signals or devices, which shall
 297 conform [to the specifications of the manual of uniform traffic control
 298 devices established under this chapter and as approved and revised by
 299 the State Traffic Commission, provided no traffic control signal or
 300 device shall be installed, operated or maintained until a permit for
 301 such installation, operation or maintenance has been procured from
 302 the State Traffic Commission] with the provisions of this chapter.

303 Sec. 5. Sec. 14-311c of the general statutes is repealed and the
 304 following is substituted in lieu thereof (*Effective July 1, 2008*):

305 (a) No group of persons, firms, corporations, state agencies or
306 municipal agencies or combination thereof shall build, expand,
307 establish or operate any open air theater, shopping center or other
308 development generating large volumes of traffic on any group of
309 individual parcels of land which are separately owned but are utilized
310 together for a single development purpose, whether or not such
311 parcels are separated by any state, local or private roadway, having an
312 exit or entrance on, or abutting or adjoining, any state highway or
313 substantially affecting state highway traffic within this state until such
314 group has procured from the State Traffic Commission a certificate
315 that the operation thereof will not imperil the safety of the public.

316 (b) No local building official shall issue a building or foundation
317 permit to any such group or member thereof to build, expand,
318 establish or operate such a development until the group or member
319 provides to such official a copy of the certificate issued under this
320 section by the commission. If the commission determines that any
321 group or member has (1) started building, expanding, establishing or
322 operating such a development without first obtaining a certificate from
323 the commission, or (2) has failed to comply with the conditions of such
324 a certificate, it shall order the group or member to (A) cease
325 constructing, expanding, establishing or operating the development, or
326 (B) to comply with the conditions of the certificate within a reasonable
327 period of time. If such group or member fails to (i) cease such work, or
328 (ii) comply with an order of the commission within such time as
329 specified by the commission, the commission or the traffic authority of
330 the municipality wherein the development is located may make an
331 application to the superior court for the judicial district of Hartford or
332 the judicial district where the development is located enjoining the
333 construction, expansion, establishment or the operation of such
334 development.

335 (c) The State Traffic Commission shall issue its decision on an
336 application for a certificate under subsection (a) of this section not later
337 than one hundred twenty days after it is filed, [except that, if] provided

338 the local traffic authority of the municipality shall be consulted prior to
339 the drafting of any such decision and shall have the right to comment
340 upon all drafts of such decision prior to adoption. If the commission
341 needs additional information from the applicant, it shall notify the
342 applicant in writing as to what information is required and (1) the
343 commission may toll the running of such one-hundred-twenty-day
344 period by the number of days between and including the date such
345 notice is received by the applicant and the date the additional
346 information is received by the commission, and (2) if the commission
347 receives the additional information during the last ten days of the one-
348 hundred-twenty-day period and needs additional time to review and
349 analyze such information, it may extend such period by not more than
350 fifteen days. The State Traffic Commission may also, at its discretion,
351 postpone action on any application submitted pursuant to this section
352 or section 14-311a until such time as it is shown that an application has
353 been filed with and approved by the municipal planning and zoning
354 agency or other responsible municipal agency.

355 (d) In determining the advisability of such certification, the State
356 Traffic Commission shall include, in its consideration, highway safety,
357 the width and character of the highways affected, the density of traffic
358 thereon, the character of such traffic and the opinion and findings of
359 the traffic authority of the municipality wherein the development is
360 located. If the State Traffic Commission determines that traffic signals,
361 pavement markings, channelization, pavement widening or other
362 changes or traffic control devices are required to handle traffic safely
363 and efficiently, one hundred per cent of the cost thereof shall be borne
364 by the group building, establishing or operating such open air theater,
365 shopping center or other development generating large volumes of
366 traffic, except that such cost shall not be borne by any municipal
367 agency. The Commissioner of Transportation may issue a permit to
368 said group to construct or install the changes required by the State
369 Traffic Commission, in consultation with the local traffic authority.

370 (e) Any group aggrieved by any decision of the State Traffic

371 Commission hereunder may appeal therefrom in accordance with the
372 provisions of section 4-183, except venue for such appeal shall be in the
373 judicial district in which it is proposed to operate such establishment.
374 The provisions of this section except insofar as such provisions relate
375 to expansion shall not apply to any open air theater, shopping center
376 or other development generating large volumes of traffic which has
377 received all necessary permits, variances, exceptions and approvals
378 from the municipal zoning commission, planning commission,
379 combined planning and zoning commission and zoning board of
380 appeals in which such development is located prior to or on July 1,
381 1985, or to any such development which is in operation on that date.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	14-298
Sec. 2	<i>July 1, 2008</i>	14-299
Sec. 3	<i>July 1, 2008</i>	14-311
Sec. 4	<i>July 1, 2008</i>	14-311b
Sec. 5	<i>July 1, 2008</i>	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]